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INFO RUCNASE/ASEAN MEMBER COLLECTIVE
RUEHGG/UN SECURITY COUNCIL COLLECTIVE
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C O N F I D E N T I A L SECTION 01 OF 02 RANGOON 000722

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TAGS: [ELAB](#) [PGOV](#) [PREL](#) [PHUM](#) [BM](#)
SUBJECT: POSITIVE STEPS IN ILO-BURMA COOPERATION

REF: A. A) RANGOON 721
[1](#)B. B) RANGOON 682
[1](#)C. C) RANGOON 345

Classified By: Classified by Economic Officer Samantha A. Carl-Yoder for reasons 1.4 (b and d)

[1](#)1. (C) Summary. Despite the GOB's lack of transparency on the trial of six labor activists (Ref A), ILO Liaison Officer Steve Marshall is pleased in general with the GOB's cooperation on labor practices. The GOB, implementing the 2007 ILO-GOB mechanism to address forced labor, recently approved a new, albeit temporary, ILO staff position and plans to coordinate with the ILO on the investigation into four cases of alleged military involvement in forced labor practices. While these steps are significant, the GOB has yet to prosecute those who violate labor rights. End Summary.

ILO Office Staff Doubled

[1](#)2. (C) Marshall told us that he is pleased with the Ministry of Labor's recent efforts to cooperate with the ILO, upholding its obligations under the 2007 ILO-GOB mechanism on forced labor. In July, it granted the ILO's request to hire an additional expatriate staff to assist with the caseload (Ref B). This position, however, is temporary; the Thai human rights lawyer who arrived at the end of July must leave Rangoon by the end of September. Marshall, who is currently working with the government to make the position permanent, is confident that the GOB will approve the request. "That way," Marshall stated, "The Burmese can report to the ILO Governing Body that it allowed the ILO to double its staff."

Depoliticizing the Complaint Process

[1](#)3. (C) Ministry of Labor officials recently brought Marshall their concerns that the NLD, which files the majority of forced labor complaints with the ILO, is using the agreement as a tool to help the opposition. These concerns are legitimate, Marshall believes. The ILO

carefully reviews all complaints with a careful eye, looking to separate political motivations from actual forced labor practices. Because the ILO, until recently, lacked the staff to travel outside of Rangoon to collect complaints, the NLD and 88 Generation Student groups gathered complaints from rural areas and submitted them to the ILO. Marshall is convinced that many of these complaints, while legitimate, are hand-picked to further the opposition's political agenda. To address the GOB's concerns and depoliticize the issue, he is looking to establish a mechanism to facilitate complaints without political bias.

14. (C) One option is to create an ILO network, working with UN agencies and/or NGOs, in the rural areas to field complaints. The UN agencies, which work on humanitarian assistance programs, are not enthusiastic about this idea because they do not want to give the GOB another reason to shut down their operations. NGOs, Marshall noted, have the same problem -- those who want to work with the ILO are too politically motivated and may cause more damage than good. Another option is to open one-man ILO field offices in key areas, such as Rakhine and Karen States. Although the GOB is less likely to support this option, Marshall believes that if the ILO makes enough of a fuss about labor activities, the Burmese will grant approval to open one or two offices. He said, "The change will not be overnight, but it will happen."

A Surprising Move - GOB to Conduct Joint Investigations

15. (C) The ILO, which continues to receive more than four forced labor complaints a week, has referred several cases

RANGOON 00000722 002 OF 002

that allegedly involve the military and forced labor to the GOB for action (Ref B). After conducting an investigation into four cases, the GOB came back to the ILO with the conclusion that there had been no violations. Marshall, noting the clear difference between his case files and the GOB's, accused the GOB of conducting improper interviews. He declared that instead of talking to the complainants, the GOB interviewed people with the same names, and subsequently found that there were no cases. In late July, he requested that the ILO and GOB conduct a joint investigation of the four cases to see what the GOB is doing and to establish best practices. The GOB, in a surprising move, agreed to joint investigations into these four cases. In September, Ministry of Labor officials and the ILO plan to travel to Rakhine State to investigate these specific complaints.

16. (C) Marshall noted that the GOB continues to allow the ILO office to travel freely around the country (with some advance notification on the part of the ILO) and that ILO staff are able to conduct interviews without GOB involvement.

Marshall also talked to the GOB in July about not harassing complainants. Previously, after field visits, he would find out that the GOB harassed those who talked to the ILO by either revoking a business license or interfering in their livelihood. Since July, the ILO office has not received any complaints of harassment after a field visit.

Comment

17. (C) Although these developments are encouraging, we should measure the GOB's progress in eliminating forced labor by the results of its actions. It is essential that the GOB learn to investigate and handle cases properly. It is equally, if not more important, that the GOB prosecute the true offenders of labor rights, particularly the military. Only when this happens will the GOB signal that it is serious about eliminating forced labor.
STOLTZ